

Atty Dkt: 23969-P001US

Serial No: 09/723,549

Filed: November 27, 2000

Group Art Unit: 1724

Examiner: Chester T. Barry
703.306.5921

RECEIVED
MAR 17 2003
TC 1700

I hereby certify that this correspondence (along with any item referred as being enclosed herewith) is being deposited with the U.S. Postal Service as first class mail with sufficient postage in an enveloped addressed to Box AF, Assistant Commissioner of Patents, Washington, D.C. 20231 on March 10, 2003.

GRACIE SOLIS

included a new § 103(a) rejection that is the subject matter of the appeal (the "Final Office Action").

On November 26, 2002, Appellant filed its Appellants' Amendment Under 37 C.F.R. § 1.116 ("Appellants' 1.116 Amendment") in which Appellant addressed the issues raised by the Examiner. In fact, Appellant included in its amendment a Second Declaration of Brian Doege Under 37 C.F.R. §§ 1.131 & 1.132, dated November 20, 2002 ("Second 132 Declaration"). The Second 132 Declaration was directed to the issues raised by Examiner in the Final Office Action.

Subsequently, the Examiner issued an Advisory Action, dated December 26, 2002 (the "Advisory Action"). In this Advisory Action, the Examiner addressed, for the first time, Appellants' objective evidence of nonobviousness. Accordingly, it was in the Advisory Action that Appellants were first informed of the Examiner's contention that the objective evidence, presented and filed August 14, 2002, was insufficient. This is Appellants' first opportunity to respond to the Examiner's contention.

Furthermore, Appellants have become aware of new probative evidence, which is included in the Third 132 Declaration that was not available at the time of the filing of the First 132 Declaration.

Appellants assert these alone or together establish good and sufficient reasons under 37 C.F.R. §1.195.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorney for Appellants

By: 

Ross Spencer Garsson
Reg. No. 38,150
5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270-2199
(512) 370-2870



In re Application of:
Brian Doege et al.

For: METHOD FOR BACTERIALLY
TREATING SMALL-TANK TOILET
SYSTEMS AND AN APPARATUS FOR
USING SAME

Atty Dkt: 23969-P001US

RECEIVED
MAY 17 2003
TC 1700

Serial No: 09/723,549

Filed: November 27, 2000

Group Art Unit: 1724

Examiner: Chester T. Barry
703.306.5921

CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence (along with any item referred as being enclosed herewith) is being deposited with the U.S. Postal Service as first class mail with sufficient postage in an enveloped addressed to Box A4, Assistant Commissioner of Patents, Washington, D.C. 20231 on March 10, 2003-

GRACIE SOLIS

THIRD DECLARATION OF BRIAN DOEGE UNDER 37 C.F.R. § 1.132

Box AF
Assistant Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

1. My name is Brian Doege. I am one of the inventors on the above-referenced patent application. I am also the President of Biological Systems, Inc. ("Bio-Sys"), the assignee of this Application.
2. On August 2, 2002, I executed a Declaration Under 37 C.F.R. § 1.132 (my "First 132 Declaration"). I understand that this declaration was submitted in the United States Patent and Trademark Office ("USPTO") in the Second Amendment Under 37 C.F.R. § 1.111 filed August 14, 2002.
3. In the First 132 Declaration, I indicated that Metro North had issued an RFP requesting bids for treatment for its recirculation tank toilet systems. After August 14, 2002, Metro North awarded the bid to Bio-Sys. Attached hereto at Exhibit F are the September-December invoices for the MTC-2010 product purchased by Metro North in accordance with

this contract. As reflected by the materials in Exhibit F, during this four month period, Metro North purchased 1,011 cases (*i.e.*, almost 50,000 treatments) for use in its recirculation tank toilet systems. Assuming one treatment per recirculation tank toilet system every one or two days, this amounts to treatments for the approximately 400 recirculation tank toilet systems Metro North has in its fleet.

4. In late August 2002, and before it awarded the bid to Bio-Sys, Metro North requested an emergency order for recirculation tank toilet treatment tablets. Attached hereto at Exhibit G is the invoice for this emergency order. As reflected by Exhibit G, Metro North purchased 131 cases (*i.e.*, almost 6,300 treatments) for use in its recirculation tank toilet systems.

5. Furthermore, in the past month, Amtrak has provided Bio-Sys an Amtrak recirculation toilet for finalization of testing of the MTC-2010 P (powder) product in anticipation of Amtrak's RFP, which will be issued in late summer 2003.

6. In my First 132 Declaration, I noted that we received comments from the personnel from Amtrak, Metro North, and others that no other product like Bio-Sys's bacterial based product has ever been seen or marketed to them throughout their railroad careers for use in recirculation tank toilet systems. These careers spanned many years. I also noted that before our testing with Amtrak, some of their personnel indicated they were very skeptical that a bacterial based product would be an effective treatment for transportation recirculation tank toilet system. I further noted that these same people later made comments that Bio-Sys's MTC-2010 product was successfully tested by Amtrak employees, and worked very well.

7. While I thought my comments stated this, I want to make it clear that the statements by the personnel of Amtrak, Metro North, and others was made by employees of those companies (1) who are direct responsibility for evaluating treatments for their respective company's recirculation tank toilet systems, (2) who are directly responsible for witnessing and reviewing the testing of these treatments, (3) who ultimately decide whether the treatment is successful, (4) who ultimately decide whether their respective company will approve this treatment for use in their company's recirculation tank toilet systems, (5) who are responsible for keeping apprised of the existing treatments for tank toilet systems, including recirculation tank

toilet systems; and (6) who have been doing all of these activities for their respective companies for many years.

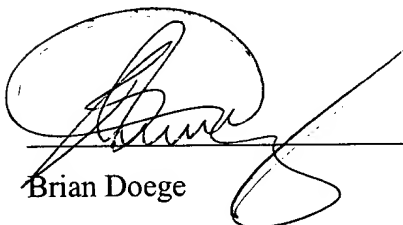
8. Furthermore, a treatment for recirculation tank toilet systems must be evaluated by their personnel prior to its use or acceptance in a bid process, or by general purchase by their respective companies. In my Second Declaration Under 37 C.F.R. §§ 1.131 and 1.132, executed November 20, 2002 (my "Second 132 Declaration"), I attached an exhibit (Exhibit E), that reflects Metro North's evaluation of Bio-Sys's BMTC product.

9. Furthermore, by such knowledge, skill, experience, training and education, for many years pertaining to treatments for recirculation tank toilet systems (as discussed above), each of these personnel are each well qualified in the field of treatments for recirculation tank toilet system treatments.

10. In my First Declaration, I also stated that three other companies have copied Bio-Sys's bacterial based product for use in recirculation tank toilet systems, including the two largest United States producers of bactericide based products. These three companies began offering bacterial based products only after Metro North had approved Bio-Sys's product for use in its recirculation tank toilet system and called for such product in its RFP. Before such time none of these three companies had ever offered a bacterial based product.

11. The two largest producers of bacteriacidal products have been marketing their bacteriacidal products for over twenty years with no substantial changes; they had never offered a bacterial product before the Metro North request for bid proposal using the Bio-Sys MTC-2010T as the reference specification.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 3/10/03

Brian Doege Date

AUSTIN_1\210139\1
23969-P001US 03/10/2003

METRO NORTH RAILROAD BLANKET ORDER RELEASE REQUEST

REFER TO THE PO-LINE AND THE RELEASE NUMBER ON ALL FUTURE CORRESPONDENCE.

9/23/02

PLEASE CONTACT JOHN HURLBERT 212-340-2753 WITH EXPECTED DELIVERY DATES.

PO	LINE	ITEM	TABLET TOILET TREATMENT MICROBIAL BASED FOR USE
2222059454	0001	47820225	
RELEASE #	RELEASE DATE	RELEASE QTY	MATERIAL REQUIRED ON DUE IN
1	9/23/02	3200 3216 pk	10/4/02
			67 gals
			> 10/11

PLEASE RELEASE QTY INDICATED. CALL VENDOR PERFORMANCE GROUP WITH DELIVERY DATE.

MATERIAL IS TO BE DELIVERED TO 2 BREWERY STREET NEW HAVEN, CT 06506
TEL# 203-786-2822 CONTACT HOWIE HANSON

PO	LINE	ITEM	TABLET TOILET TREATMENT MICROBIAL BASED FOR USE
2222059454	0001	47820225	
RELEASE #	RELEASE DATE	RELEASE QTY	MATERIAL REQUIRED ON DUE IN
2	9/23/02	6430 6432 pk	10/18/02
			134 gals
			> 10/31

PLEASE RELEASE QTY INDICATED. CALL VENDOR PERFORMANCE GROUP WITH DELIVERY DATE.

MATERIAL IS TO BE DELIVERED TO 2 BREWERY STREET NEW HAVEN, CT 06506
TEL# 203-786-2822 CONTACT HOWIE HANSON

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40705
Invoice Date:	Sep 30, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railway Co
ATTN: Howie Hanson
2 Brewery Street
New Haven, CT 06511

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059454 Rel 1	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Collect		10/30/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
67.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	4,791.84

This is the only Invoice that you will receive. Please pay from this Invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	4,791.84
Sales Tax:	
Freight:	
Invoice Total:	4,791.84
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40705/407

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40727
Invoice Date:	Oct 21, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railway Co
ATTN: Howie Hanson
2 Brewery Street
New Haven, CT 06511

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059454 Rel 2	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Collect		11/20/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
134.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	9,583.68

This is the only Invoice that you will receive. Please pay from this Invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	9,583.68
Sales Tax:	
Freight:	
Invoice Total:	9,583.68
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40727

METRO NORTH RAILROAD BLANKET ORDER RELEASE REQUEST

REFER TO THE PO-LINE AND THE RELEASE NUMBER ON ALL FUTURE CORRESPONDENCE.

9/23/02

PLEASE CONTACT JOHN HURLBERT 212-340-2753 WITH EXPECTED DELIVERY DATES.

310606104 SYS 317259 1879 3172594311 MARE B
~~NOT FOR RELEASE~~ TEL# ~~434-222-5800~~ FAX# ~~3172594311~~ CONT ~~METRO NORTH RAILROAD~~

PO LINE ITEM

222059453 0001 47820225 TABLET TOILET TREATMENT MICROBIAL BASED FOR USE

RELEASE # RELEASE DATE RELEASE QTY MATERIAL REQUIRED ON DUE IN PLEASE RELEASE QTY INDICATED, CALL VENDOR PERFORMANCE GROUP WITH DELIVERY DATE.

1 9/23/02 ~~2800~~ 2800 10/4/02 > 10/11

MATERIAL IS TO BE DELIVERED TO 1 CROTON POINT AVENUE, BLDG #14 CROTON ON HUDSON, NY. 10520
 TEL# 914-271-1626 CONTACT KRIS GARLEPY

PO LINE ITEM

222059453 0001 47820225 TABLET TOILET TREATMENT MICROBIAL BASED FOR USE

RELEASE # RELEASE DATE RELEASE QTY MATERIAL REQUIRED ON DUE IN PLEASE RELEASE QTY INDICATED, CALL VENDOR PERFORMANCE GROUP WITH DELIVERY DATE.

2 9/23/02 ~~5600~~ 5760 10/18/02 > 10/31

MATERIAL IS TO BE DELIVERED TO 1 CROTON POINT AVENUE, BLDG #14 CROTON ON HUDSON, NY. 10520
 TEL# 914-271-1626 CONTACT KRIS GARLEPY

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40706
Invoice Date:	Sep 30, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railroad
One Croton-on-Hudson
Building 14
Croton-on-Hudson, NY 10520

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059453 Rel 1	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Collect		10/30/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
60.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	4,291.20

This is the only Invoice that you will receive. Please pay from this Invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	4,291.20
Sales Tax:	
Freight:	
Invoice Total:	4,291.20
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40705/407

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40728
Invoice Date:	Oct 21, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railroad
One Croton-on-Hudson
Building 14
Croton-on-Hudson, NY 10520

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059453 Rel 2	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Collect		11/20/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
120.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	8,582.40

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Subtotal:	8,582.40
Sales Tax:	
Freight:	
Invoice Total:	8,582.40
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40728

METRO NORTH RAILROAD BLANKET ORDER RELEASE REQUEST

REFER TO THE POLICE AND THE RELEASE NUMBER ON ALL FUTURE CORRESPONDENCE

10/1/02

PLEASE CONTACT 212-340-2753 OR FAX 212-340-3251 JOHN HURLBERT WITH EXPECTED DELIVERY DATES.

810 S/L5 317-259-1879 317-859371 23
 TEL 444-333-6000 FAX 444-333-6000
 CONT -METRO NORTH RAILROAD

PO	LINE	ITEM	RELEASE #	RELEASE DATE	RELEASE QTY	MATERIAL REQUIRED ON	DUE IN	PLEASE RELEASE QTY INDICATED, CALL VENDOR FOR RANCE GROUP WITH DELIVERY DATE
22205455	0001	4782025						
3	10/14/02				5040	11/29/02		

MATERIAL IS TO BE DELIVERED TO 1 CROTON POINT AVENUE, BLDG #14 CROTON ON HUDSON, NY 10520
 TEL# 914-271-1626 CONTACT KRIS GARLUPY

222054455 3 K03

PO	LINE	ITEM	RELEASE #	RELEASE DATE	RELEASE QTY	MATERIAL REQUIRED ON	DUE IN	PLEASE RELEASE QTY INDICATED, CALL VENDOR PERFORMANCE GROUP WITH DELIVERY DATE
22205454	0001	4710225						
3	10/14/02				5040	11/29/02		

222054454 K04

MATERIAL IS TO BE DELIVERED TO 2 BREWERY STREET NEW HAVEN, CT 06506
 TEL# 701-746-2822 CONTACT HOWIE HANSON

105

Biological-Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40753
Invoice Date:	Nov 19, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railway Co
ATTN: Howie Hanson
2 Brewery Street
New Haven, CT 06511

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059454 Rel3	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Incl.		12/19/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
105.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	7,509.60

This is the only invoice that you will receive. Please pay from this invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	7,509.60
Sales Tax:	
Freight:	
Invoice Total:	7,509.60
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40753/54

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40754
Invoice Date:	Nov 19, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railroad
One Croton-on-Hudson
Building 14
Croton-on-Hudson, NY 10520

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059453 Rel3	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Incl.		12/19/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
105.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	7,509.60

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Subtotal:	7,509.60
Sales Tax:	
Freight:	
Invoice Total:	7,509.60
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40753/54

METRO NORTH RAILROAD BLANKET ORDER RELEASE REQUEST

REFER TO THE POLINE AND THE RELEASE NUMBER ON ALL POLINE COPIES FOR DEDUCTION

12/16/02

PLEASE CONTACT 212-340-2753 OR FAX 212-340-3251 JOHN HURLBERT WITH EXPECTED DELIVERY DATES.

BIOLOGICAL SYSTEMS INC.

TEL (317) 259-1879

FAX (317) 259-4371

CONT. MARK BRODOWICZ

PO LINE ITEM

222059453 0001 47820225

TUBULET TOILET TREATMENT MICROBIAL BASED FOR USE

RELEASE 8 RELEASE DATE

RELEASE QTY MATERIAL REQUIRED ON DUE IN PLEASE RELEASE QTY INDICATED, CALL VENDOR PERFORMANCE GROUP

4 12/6/02

10080 1/22/03

> WITH DELIVERY DATE

MATERIAL IS TO BE DELIVERED TO 1 CROTON POINT AVENUE, BLDG 914 CROTON ON HUDSON, NY 10520

TEL 914-271-1626 CONTACT KRIS GARREPY

PO LINE ITEM

222059454 0001 47820225

TUBULET TOILET TREATMENT MICROBIAL BASED FOR USE

RELEASE 8 RELEASE DATE

RELEASE QTY MATERIAL REQUIRED ON DUE IN PLEASE RELEASE QTY INDICATED, CALL VENDOR PERFORMANCE GROUP

4 12/6/02

10080 1/22/03

> WITH DELIVERY DATE

MATERIAL IS TO BE DELIVERED TO 2 BREWERY STREET NEW HAVEN CT 06506

TEL 203-766-2022 CONTACT HOWIE HANSON

2 pallets 105 cases X 2 = 210 cases.

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40801
Invoice Date:	Dec 31, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railroad
One Croton-on-Hudson
Building 14
Croton-on-Hudson, NY 10520

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059453 Rel 4	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Incl.		1/30/03

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
210.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	15,019.20

This is the only Invoice that you will receive. Please pay from this Invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	15,019.20
Sales Tax:	
Freight:	
Invoice Total:	15,019.20
Amt. Received:	0.00
TOTAL:	15,019.20

Check No:

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40800
Invoice Date:	Dec 31, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railway Co
ATTN: Howie Hanson
2 Brewery Street
New Haven, CT 06511

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222059454 Rel 4	1% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Freight Incl.		1/30/03

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
210.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		71.52	15,019.20

This is the only Invoice that you will receive. Please pay from this Invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	15,019.20
Sales Tax:	
Freight:	
Invoice Total:	15,019.20
Amt. Received:	0.00
TOTAL:	15,019.20

Check No:

Biological Systems, Inc.
PO Box 17893
Austin, TX 78760-7893
Tel: 512.892.9333



BIOLOGICAL SYSTEMS, INC

Invoice

Invoice Number:	40619
Invoice Date:	Aug 22, 2002
Page:	1

Sold To:

Metro North Commuter Railroad
PO Box 3581
Grand Central Station
New York, NY 10163

Ship to:

Metro North Railroad
Materials Distribution Center
Bldg 14, 1 Croton Point Ave.
Croton, NY 10520

Tel: 1-212-340-2753*

Fax: 1-212-340-3282

Customer ID:	Customer PO:	Payment Terms:	
METRONORTH	2222058848	2% 10, Net 30 Days	
Sales Rep ID:	Shipping Method:	Ship Date:	Due Date:
MC/IRL	Fgt. Ppd.		9/21/02

Quantity:	Item:	Description:	Backorder Qty:	Unit Price:	Extension:
131.00	MTC-2010T@	Microbial Holding Tank Cleaner and Deodorizer Tablets. Sold in carton of 48- 2 tablet pouchs.		112.21	14,699.51

This is the only Invoice that you will receive. Please pay from this Invoice and make checks payable to: Biological Systems, Inc. Please send payments to: P.O. Box 17893, Austin, TX 78760-7893. If you have any questions, telephone 512.892.9333, or fax 512.892.9444. Thank you for your prompt payment. PLEASE NOTE: All past due accounts may be subject to late charge of 2% calculated on the unpaid balance.

Subtotal:	14,699.51
Sales Tax:	
Freight:	297.25
Invoice Total:	14,996.76
Amt. Received:	0.00
TOTAL:	0.00

Check No: 40619